

(3) The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).

28 U.S.C. § 2253(c).

A “substantial showing of the denial of a constitutional right” requires a demonstration “that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were ‘adequate to deserve encouragement to proceed further.’” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (citing *Barefoot v. Estelle*, 463 U.S. 880, 893 n.4 (1983)).

For the reasons set forth in the court’s previously issued Memorandum and Order (Filing No. 138) denying the defendant’s § 2255 motion, the court concludes that the defendant has not made a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c).

IT IS ORDERED:

1. The motion for certificate of appealability (Filing No.143) is denied;
2. The motion for leave to proceed in forma pauperis (Filing No. 142) is granted;
3. The Clerk of Court shall provide a copy of this Order to the Eighth Circuit Court of Appeals; and
4. A copy of this Order shall be mailed to the defendant at his last known address.

DATED this 24th day of May, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District